



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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Application No:	DM/24/01386/FPA
Full Application Description:	Construction of a steel portal framed agricultural building.
Name of Applicant:	Mr Tom Bravington
Address:	Land to the north west of 2 Greenside Horsleyhope Consett DH8 9DA
Electoral Division:	Lanchester
Case Officer:	Olivia Lamb (Planning Officer) Tel: 03000 261053 Email: <a href="mailto:olivia.lamb@durham.gov.uk">olivia.lamb@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### The Site

1. The application site is located to the east of the Healeyfield Lane (C16), within Waskerley, Consett within the North Pennines National Landscape (NPNL) (Formally known as the North Pennines Area of Outstanding Natural Beauty (AONB)). The NPNL is characterised by farming landscapes, particularly on the dale sides, consisting of traditional arrangements of farm buildings clustered around farmhouses, respecting the contours of the land.
2. The site is surrounded by open fields to the north east, south west and north west, however to the south east of the application site is a commercial wooden pallet business with a large pallet storage yard, and a building used for the storage of agricultural machinery. The nearest neighbouring dwelling adjacent to the application site (1 Greenside) is located approximately 80 metres from the application site separated by part of the existing pallet business.

3. An application was submitted at the same site last year DM/23/03146/FPA for the construction of an agricultural building which was subsequently refused. The current submission is very similar to the previous submission notwithstanding a slight decrease in size and some alterations to the elevations.
4. The site is served by an existing access taken from Healeyfield Lane (C16). There are also a number of public footpaths within proximity to the site, including Footpaths 1 and 4 (Muggleswick) to the north west and 18 and 20 to the north east.
5. A number of Sites of Special Scientific Interest (SSSI's) are located in close proximity to the site, including Derwent Gorge and Horsleyhope 362m to the north west and Muggleswick, Stanhope and Edmundbyers Commons and Blanchland Moor 1000m to the south west.

#### The Proposal

6. The application relates to the construction of an agricultural building, measuring approximately 18.15m x 12.30m with a maximum height of 7.3m, constructed from a mixture of materials including metal cladding and natural stone. The building is proposed to store agricultural equipment and hay, and also be used for livestock in extreme weather conditions.
7. The application is being reported to the North Planning Committee at the request of Muggleswick Parish Council on material planning ground of encouraging and supporting local business and enterprises for the rural economy within North Pennines.

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### **RELEVANT PLANNING HISTORY**

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8. The following planning applications are relevant to the current application:  
*Application Site*
9. 1/92/150/DM- Retrospective Application: Pallet Workshop and hardstanding. Approved on 14/02/1992 subject to conditions.
10. 1/1996/0457/1855- Retention of Existing Building and Change of Use from Agriculture to Cattery. Approved on 13/06/1996 subject to conditions.
11. 1/1997/0791/7581- Detached Garage/Workshop- Approved on 29/08/1997 subject to conditions.
12. Application DM/23/03146/FPA by Mr Tom Bravington for the construction of an agricultural building was refused on 18/04/24.

*Number 1 Greenside*

13. Erection of timber log cabin to be used as a holiday home under application reference 1/2010/0449/75776 was approved on 01/10/10. subject to conditions.

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## **PLANNING POLICY**

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### **National Policy**

14. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
15. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
16. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
17. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
18. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
19. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
20. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear

strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.

21. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
22. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
23. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

<https://www.gov.uk/guidance/national-planning-policy-framework>

#### **National Planning Practice Guidance:**

24. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to: air quality; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; light pollution; natural environment; noise; public rights of way and local green space; use of planning conditions; and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

#### **Local Plan Policy:**

The County Durham Plan (CDP)

25. *Policy 10 (Development in the Countryside)* states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing

buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.

Provision for economic development includes agricultural or rural land based enterprise; undertaking of non-commercial agricultural activity adjacent to applicant's residential curtilage. All development to be of design and scale suitable for intended use and well related to existing development.

Provision for infrastructure development includes essential infrastructure, provision or enhancement of community facilities or other countryside based recreation or leisure activity.

Provision for development of existing buildings includes change of use of existing building, intensification of existing use through subdivision; replacement of existing dwelling; or householder related development.

26. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
27. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards.
28. *Policy 31 (Amenity and Pollution)* sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development.
29. *Policy 35 (Water Management)* requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal.

All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.

30. *Policy 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
31. *Policy 38 (North Pennines Area of Outstanding Natural Beauty)* seeks to conserve and enhance the AONB. In making decisions great weight will be given to conserving landscape and scenic beauty. Development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to special qualities or statutory purposes. Any development should be designed and managed to highest environmental standards and have regard to conservation priorities, AONB Management Plan and guidance in AONB Planning Guidelines, Building Design Guide and Moorland Tracks and Access Roads Planning Guidance Note as material considerations.
32. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
33. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
34. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
35. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are

expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.

#### Supplementary Planning Documents

36. Trees, Woodlands and Hedges SPD (2024) – Provides guidance on good practice when considering the impacts of development on trees, woodlands, and hedgerows, as well as new planting proposals.
37. Residential Amenity Standards SPD (2023) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
38. Parking and Accessibility SPD (2023) - Provides guidance on parking requirements and standards.

<https://www.durham.gov.uk/cdp>

#### Neighbourhood Plan:

39. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham>*

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## CONSULTATION AND PUBLICITY RESPONSES

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#### Statutory Consultee Responses:

40. *Muggleswick Parish Council* – Supports the application as they have a duty of care to encourage and support local business and enterprises for the rural economy within North Pennines and as such wish for the application to be called to Planning Committee if the application under delegated powers the planning officer is unable to recommend approval.
41. *Highways Authority* – The proposed storage barn will be served via the existing site access. No objections would be raised on this basis. The building should be for used for agricultural purposes only.

#### Internal Consultee Responses:

42. *Landscape Section* – Concerns over justification for the scale of the building within this location given the size of the land holding and given that land is let out on a grazing licence. Google Imagery shows limited agricultural equipment

being stored. They also note that the building appears to be more associated with the pallet business.

The Landscape Officer also notes that the proposed development is located within the North Pennines National Landscape and has concerns that the development would lead to a prominent feature from Healeyfield Lane (C16) due to its elevated position and also raise concerns regarding the material and colour choice advising it gives rise to an industrial appearance and is inappropriate within the NPNL.

In terms of the proposed hedgerow / landscape planting, the landscape officer notes that this would reduce the adverse effects of the proposed development on the landscape and on visual amenity to a degree, but this would take time to become effective (this is likely to be upwards of 7-10 years in which the development would be conspicuous and harmful in public views) and goes onto note that part of the proposed mitigation planting would be in the middle of the field- standing out as an arbitrary feature, which would neither integrate with the existing woodlands or hedgerows.

The Landscape Officer also states that the proposed landscape plan lacks details; planting numbers, sizes and types of stock, planting densities, protection or establishment maintenance regimes which will need to be submitted to quantify and qualify the extent and nature of the planting scheme proposed. Note, only native species should be used.

Should there be sufficient justification for a general storage building on this parcel of land, a less prominent location should be considered.

*Re-Consultation-* Submitted elevation drawing now shows a mixture of materials of contrasting texture to help to reduce the monotonous and uniform use of materials is welcomed.

Colour of roof cladding hasn't been stated; this should be a dark visually recessive colour such as Anthracite. The submitted information suggests that the southwest door is to be 'sheeted' on sliders, but this also has not been shown on the elevation drawing, therefore these elements will need to be updated.

Reiterates concerns in relation to prominence of building from the road / public vantage points to the north, west and southwest from a plethora of PROWs and Healeyfield Lane (C16), notes that the proposed landscaping would take time to establish and would not fully screen the development. Further reiterates comments regarding the inappropriateness and the lack of details in relation to the proposed landscaping scheme.

Notes the southeastern elevation would be viewed to a small degree in public views from the Waskerley Way C2C, however these views are at distance and heavily filtered by vegetation along the route and the trees/buildings associated with Greenside and whilst there would be increased visibility from the right of way that passes directly past Greenside to the southeast, the building would be



seen in the context of the existing pallet yard, therefore any visual effects would be negligible in these views.

*Re-Consultation-* In relation to previously submitted comments, the Landscape Officer wishes to make the following clarifications:

The building would be most prominent from public vantage points to the north, west and southwest from a plethora of PROWs and Healeyfield Lane (C16) and not the east as previously stated in comments dated 22nd August 2024 .

It is also noted that in comments dated 14th October 2024 it was stated that *'the building would be prominent from Healeyfield Lane (C16) and a plethora of public vantage points on PROWs to the north, west and southwest, where the building would in some views (particularly from north and east\*) appear visually separated from existing built form by trees/shelterbelt that screens the palette business'*. \*This should read (particularly from the south and west).

43. *Ecology* – A PEA (preliminary ecological appraisal) of the proposed site and proposals is required. Notes BNG will apply to the application.

*Re-Consultation-* The PEA is sufficient to support the application and no further survey work is considered necessary. In terms of BNG, further information was required.

*Re-Consultation-* Clarification has been provided as to the proposed enhancement and creation of habitats within the metric and supplied HMMP. A HMMP has been provided in the Statutory Template by RH Ecological Services. This is considered sufficient at this stage to give confidence that the proposed habitats can be delivered.

Further justification and clarity is required in relation to BNG.

*Re-Consultation-* The ecologist has also provided a statement via email and within an updated metric spreadsheet outlining their justification and reasoning for a 'fairly good' condition target other neutral grassland which is considered reasonable. However, it has been raised that a septic tank is present within the proposed offsite grassland enhancement area. As such, we will require further information relating to the depth of the soil in this area to ensure that the target grassland and proposed condition is achievable. We will require this information prior to determination to give confidence that 10% net gain can be achieved as required by the BNG legislation.

It is also noted that the HMMP includes management for the other neutral grassland as key cuts from year 2 with some partial grazing as part of ongoing management. However, as highlighted within the HMMP, any proposed grazing including species/density and timing must be agreed with the ecologist and included within the full HMMP to ensure appropriate ongoing management of this habitat as required by the BNG pre-commencement condition.

44. *Spatial Policy*- The main issue with this development proposal is its location in the North Pennines National Landscape, which is a concern pertaining to all notable Policies (10, 29, 38 and 39). The Landscape Team have submitted concerns regarding the location and materials proposed for this development. While this is an acceptable use within the agricultural context, the effects it will have visually on the landscape and for the neighbouring property of 1 Greenside will be significantly adverse and represent conflict with those policies above.
45. *Tree Section*- Require an Arboricultural Method Statement (MS), Impact Assessment (AIA) Tree Protection Plan (TPP), showing the root protection area (RPA) of all trees located within and adjacent to the proposed site. Arboricultural information must comply with BS 5837 2012 Trees in relation to design, demolition and construction- Recommendations. Construction / change of surface within the site or within the root protection area of trees must be root friendly.

*Re-Consultation*- Arboricultural report provided shows no trees will need to be removed to facilitate the development. Providing the protective fencing is in place as shown within the AIA, AMA & TPP prior to construction there should be no adverse effects to existing trees.

Development should seek to maximise tree planting, wherever feasible and appropriate to the design of the development, to optimise the site's tree canopy cover. Tree and hedgerow planting should take place as part of wider landscape proposals, as shown within the design and access statement. Policy 29 (Sustainable Design) requires that landscape proposals should:

- respond creatively to topography and to existing features of landscape or heritage interest and wildlife habitats.
- respect and where appropriate take opportunities to create attractive views of and from the site.
- reflect in the detailed design any features characteristic of the locality such as boundaries, paving materials and plant species.
- create opportunities for wildlife including through the use of locally native species.
- make appropriate provision for maintenance and long-term management; and in the case of edge of settlement development, provide for an appropriate level of structural landscaping to screen or assimilate the development into its surroundings and provide an attractive new settlement boundary.

Sufficient detail must be provided at the application stage in a Landscape Masterplan or Landscape Strategy to demonstrate that the overall character of landscaping is appropriate and that the level of tree planting proposed meets the requirement of Policy 40.

To comply with DCC Supplementary Planning Document (SPD) the following must be considered – Details of soft landscaping including planting species, sizes, layout, densities, numbers.

## **External Consultees**

46. *National Landscapes* – No comments received.

## **Public Responses:**

47. The application has been advertised by site notice and individual notification letters sent to neighbouring properties.

48. Letters of objection from adjacent neighbour and three letters of support from local residents.

49. These are summarised under the relevant headings below:

### *Objections*

#### *Principle*

- Property not a working farm with no livestock having been on the land in the four generations of objector's family living at the adjacent property.
- Property already has a very large agricultural building which has been used as a garage and to store wagons relating to the pallet business.
- Major concern- proposed building to be used as an extension of the pallet business.
- Proposed building not essential for agricultural use
- Recently bought several agricultural vehicles (including tractor, loader, flail mower, harrows, roller, and tipping trailer) these are currently safely stored in the existing building- no risk as it stands.
- Housing livestock or storing feed, also appear unnecessary (only one horse and one pony, which are not classified as agricultural livestock and the single paddock/field that is cut for hay or silage can be wrapped and stored outdoors until needed)

#### *Design and Landscape*

- Pallet business already impacts on North Pennines National Landscapes concerns that proposed will impact further.
- Welcome hedgerows and trees to be planted- but concerned that they will not completely screen building due to the lay of the land and the size of proposed building.

#### *Amenity*

- Noise and traffic from the Pallet business
- Concerns proposed building will cause more traffic/noise even closer to us.
- Concerns proposed development will impact views from the neighbouring dwelling and the log cabin (holiday let) which is currently in the process of being constructed.

- Other neighbours advised the building will not impact their views- different situation for neighbour as they are within closer proximity.
- If deemed necessary could be relocated further away neighbour.

### *Ecology*

- Impact on wildlife
- Welcome wildflower meadow- but concerned about feasibility given the area holds number a septic tank at present.

### *Other Matters*

- In the past they were told to plant trees to screen the pallet business and although some trees were planted this has not screened the business especially from the outside of our property.
- Concerns about a potential conflict of interest involving the neighbours at Horsleyhope Mill. They are related to the agent handling this planning application for 2 Greenside (their parents) and, to the best of our knowledge, are also members of the Muggleswick Parish Council.

### Support

- Keep farm machinery in good clean working order by protecting them from the weather and secure them.
- Area is very well looked after, nice and tidy.
- Assist with the storage of their hay (neighbour currently stores it)
- Benefit the area rather than machinery stored in the location in full view.
- 2 Greenside has to look across to our agricultural buildings just the same, and the proposed building is smaller.
- Pallet operation very neat and tidy and trees etcetera screen outside views
- Pallet operation camouflaged by proposed building.
- Property and entrance have always been cared for and kept very tidy.
- The green colour of the current building's blend well in the North Pennines National Landscape and cannot be seen from Healeyfield Lane.
- Proposed building would not look out of place, as it is designed to match the current building's and given more trees are to be planted and wild flowers.
- Everywhere including this rural area needs to be secured under lock and key and out of sight.

### **Elected Members**

50. No response received.

*The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: <https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>*

### **Applicants Statement:**

## Proposed use and justification

51. This building is desperately needed by the existing agricultural business which the applicant operates. It will predominantly be used for the storage of agricultural machinery, imperative to the running of this farming business. This includes tractor and fore end loader, associated attachments, trailer, topper, JCB and post knocker along with further machinery which are required to improve the labour and nutrient efficiency of the business including hedge cutter, mini excavator and slurry tanker. This will improve the financial performance of the business along with facilitating conservation projects on the land and business growth.
52. As there is significant capital tied up within this machinery (depreciating assets) it is critical that there is sufficient secure storage, it is appreciated that security is not a planning consideration in its own right, but weight must be given to a business which is established and wishing to improve performance opportunity to secure their business assets and not be restricted by planning policy due to the location and operating area of the business. Our client already maintains their machinery to highest possible standard; however, they are significantly handicapped by the lack of suitable indoor storage. Construction of this building will prevent the machinery being exposed to the elements accelerating rust and corrosion, UV damage, freezing, and rodent damage. This not only depreciates the value of the machinery, but also reduces efficiency with electrics corroding, hydraulics seizing and lubricants/fluids degrading. All of this increases maintenance expenditure and labour requirement, diverting attention away from the livestock and agricultural operations undertaken on the registered agricultural holding.
53. The building will also be used for fodder (hay and straw), which must be stored inside to preserve its quality therefore improving the efficiency of the business (both financially and environmentally) by maximising performance of livestock minimising wastage. Alternative fodder can be wrapped and storage outside without question, but this does not contain the same Dry Matter and nutrient content as dry hay for the feeding of livestock, in this instance sheep and horses.

## Landscaping

54. As requested by the Landscape Officer, our client has opted to use Juniper Green cladding down to ground level on three elevations which will allow the building to blend seamlessly into the green landscape. A landscaping plan will also be implemented, including surrounding the building with trees on three sides which links existing tree planting. This will screen the building with the natural silhouette of the trees distorting and hiding the outline of the building, this will make the juniper green sheets very difficult to make out in the background. And the wider vista, which incidentally many other agricultural buildings are evident and not necessarily coloured juniper green which have been approved by DCC and the Landscape officer.

55. These new trees will be in keeping with the existing, sporadic plantations of trees characteristic of the area with examples including the Scots plantation. This will provide a woodland shelterbelt which will also have significant benefit on wildlife and biodiversity in the areas along with the environmental carbon benefits of planting trees. This will perfectly compliment the wildflower meadow which is also going to be planted part of the project for BNG requirements, again providing huge benefit and diversity within the local ecosystem.
56. This landscaping will significantly improve what is already on the site as the strategically positioned, a carefully landscaped building will significantly improve what is currently on the site as it will conceal the existing hardstanding, pallet yard and commercial buildings.
57. The eastern gable will be clad with random course stone which gives a natural appearance and will be visible from the farmyard and neighbouring pallet yard along with the BOAT road, and the wider vista of the C2C Waskerley Way.
58. We have also offered to make the roller shutter access door Juniper Green which will again enhance the natural appearance that the applicant is striving to achieve.

#### Conclusion

59. This building is essential to the agricultural business as there is currently a lack of secure and weather resistant storage on the holding which is a great financial burden on the business. This building will improve the efficiency of the business by reducing maintenance requirements and improving performance of the machinery. It will also give the applicant confidence to purchase new machinery which is required to allow this business to take the next step and push forward to achieve its long-term goals of continue to be a viable farming business.
60. By increasing the lifespan of machinery and quality of winter fodder, the business will become more efficient, both financially and environmentally with a reduction in waste, for example reducing the need to rely on third party contractors and also purchasing winter fodder in due to lack of storage.
61. You will also note that the applicant plans to do everything possible to address the Landscape Officer's concerns, ensuring that this development has little to no impact on the landscape. We truly believe that construction of the building along with the proposed landscaping measures will actually improve the site along with providing many new habitats by linking existing woodlands with a nature corridor.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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62. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise.

63. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making, along with advice set out in the Planning Practice Guidance notes. Other material considerations include representations received.
64. In this context, it is considered that the main planning issues in this instance relate to the Principle of Development, Residential Amenity, Highway Safety, Landscape and Visual Impact, Drainage and Flood Risk, Ecology and Biodiversity Net Gain, and other Matters,.

#### Principle of Development

65. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at NPPF Paragraph 12. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
66. NPPF Paragraph 11c requires applications for development proposals that accord with an up to date development plan to be approved without delay. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
67. The NPPF recognises the importance of supporting economic growth in rural areas, including the sustainable growth and expansion of business in rural areas, both through conversion of existing buildings and development and diversification of agricultural and other land-based rural business.
68. The application site is located within the countryside and therefore falls to be determined under Policy 10 of the CDP. CDP Policy 10 (Development in the Countryside) states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
69. In this instance the proposal falls under criterion (a) an existing agricultural or other existing rural land-based enterprise or associated farm diversification scheme, including the provision of new or the extension of existing building(s), structures or hard standings required for the functioning of the enterprise. The

Policy requires that any building assessed under CDP Policy 10 must be of a design, construction and size suitable for and commensurate to the intended use and that it must be well related to the existing farmstead unless a clear need to ensure the effective functioning of the business for an alternative location can be demonstrated by the applicant.

70. The agent advises that the proposed building will provide storage space for equipment including four wheel drive Massey Ferguson Tractor, loader, flail mower, JCB backhoe, harrows, roller and tipping trailer which should be kept inside, the building is also proposed to store additional winter fodder. The agent goes on to state that currently the applicant is unable to store this equipment inside due to a lack of building space, a dry and secure storage area is required to protect machinery from theft and weather, advising that the building may also be used to house livestock in extreme weather conditions.
71. Following request for further information in relation to animal registration and the agricultural use of the land, the agent has advised that they do not hold a CPH (County Parish Holding Number), as currently all sheep are brought in on license and there is a TPA (Temporary Land Association) provided via the field numbers (this is a requirement of the livestock owner, not the landowner to undertake), this is a detailed requirement for livestock movements by the Animal and Plant Health Agency (APHA). The agent advised that land is used in hand and used for grazing of sheep and mowing, under license with neighbouring farmers.
72. Concerns have been raised by the Landscape Officer as to whether there is genuine agricultural justification for this building and whether the scale of the building is commensurate to the intended use given the size of the landholding and that the land is let out on a grazing licence and notes aerial photos from 2011-present show very little, if any agricultural equipment being stored outside.
73. This concern over the use of the land as agricultural land has also been raised by an objector that claims the property is not a working farm as in the four generations their family has lived at the property there has been no livestock present and note that the applicants already have a large agricultural building close to the site. Furthermore, claim the property at 2 Greenside has only one horse and one pony, which are not classified as agricultural livestock, moreover, the single paddock/field that is cut for hay or silage can be wrapped and stored outdoors until needed- as such the housing of livestock and the storage of feed is considered to be unnecessary.
74. In response to these concerns in relation to the agricultural use, the applicant has stated that the property is a working farm (farming for two generations), the farming currently includes two horses and sheep grazing rented by local farmers along with hay/silage production but claims that they have had cows and sheep in the past. The applicant advises that they have recently obtained more land and are hoping to acquire some more as they are intending to increase the agricultural side of their operations going forward, which in turn has increased the amount of machinery used. The agent goes on to state that



the business is being prevented from growth and development until a favourable determination is made.

75. In relation to the existing agricultural building the applicant advises that this has been used for storing vehicles in relation to their pallet business on a temporary basis for periods of repair and maintenance but are not stored permanently due to the size of the vehicles exceeding the dimension of the building.
76. Notwithstanding, the above, it is considered that whilst the applicant has stated that part of the land is leased for grazing of livestock by other farmers, the applicant has failed to satisfactorily evidence that they are operating a genuine agricultural business operating on the site, the applicants does not hold the relevant CPH as would usually be expected and have failed to evidence a function of agricultural purposes contrary to Policy 10(a) of the of the County Durham Plan.

#### Residential Amenity

77. CDP Policy 31 states that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and should be integrated effectively with any existing business and community facilities. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated.
78. CDP Policy 31 sets out that “Development which has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours, noise and vibrations or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.”
79. In addition, CDP Policy 29, states all development is required to provide high standards of amenity and minimise the impact of development upon the occupants of existing adjacent and nearby properties, whilst CDP Policy 10(r) states proposals should not impact adversely upon residential or general amenity.
80. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution. Paragraph 135 f) seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
81. The closest residential property 1 Greenside, this is located directly to the south east of the application site (approximately 80m away). The other residential dwellings in proximity of the site include Horsleyhope Mill (approximately 354

metres to the north east), Middle Horsleyhope (approximately 769 metres to the north west) High Horsleyhope (approximately 988 metres to the north west) and Middles Farm (740m to the south west).

82. A number of objections have been received to the application from 1 Greenside. The objections have raised issues regarding the impact of the proposals upon residential amenity. These include impacts in relation to loss of outlook and noise resulting from increased traffic and activity, and that the building will be used for the applicants pallet business on the site .
83. In relation to noise, it is not considered that there will be any additional noise over and above what is existing, given the proposed use of the building is for storage of agricultural machinery and additional winter fodder.
84. However, the applicant has advised that it may occasionally be used to house livestock during adverse weather conditions, as such consideration is need as to whether the use for livestock is appropriate. In this regard, it is considered that whilst the building would be within a proximity to a neighbouring protected dwelling whereby its permanent use for livestock would usually be considered unacceptable due to the impact on the residential amenity through noise and smells; it is considered in this instance that the design of the building is such that it could not be reasonably used to house livestock on a permanent basis, and therefore the temporary accommodation of livestock in extreme circumstances is acceptable. However, if the application were to be considered acceptable a condition would be imposed to control the use of the building.
85. In relation to loss of outlook, whilst it is noted that the proposed building will be visible from the views of 1 Greenside, given the existing use of the site and the presence of existing trees to the north west of the neighbouring dwelling at 1 Greenside, it is not considered that the proposed building will have any significant impacts in terms of loss of outlook in relation to the residents at 1 Greenside. The objector also notes that they are in the process of erecting a log cabin to be used as a holiday let, this is located to approximately 95m to the south east of the application site, again, whilst it is acknowledged that this would be visible from the view of the log cabin, upon reviewing the plans that have been approved it would appear that the northern elevation (facing the proposed building) would comprise of a window (serving a w/c and shower) and the access door, therefore the principle outlook from the holiday let would not be impacted.
86. Overall, the scheme is not considered to adversely impact the amenity of surrounding residential properties and neighbouring users to such a degree that would sustain a refusal of the application on amenity grounds. In this respect, the scheme is considered to accord with the provisions of CDP Policies 10r), 29 and 31 and NPPF Parts 12 and 15.

#### Highway Safety Issues

87. Criterion q) of CDP Policy 10 states that proposals should not be prejudicial to highway, water or railway safety.

88. CDP Policy 21 requires that all development ensures that any vehicular traffic generated by new development can be safely accommodated and have regard to Parking and Accessibility Supplementary Planning Document.
89. Paragraph 114 of the NPPF advises that in assessing specific applications for development, it should be ensured that, amongst other matters, b) a safe and suitable access to the site can be achieved for all users; and d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
90. Paragraph 115 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
91. An objection has been received in relation to increased traffic, with concerns that the proposed building will be used as an extension to the existing pallet yard.
92. The Highways Engineer has been consulted and has advised that the proposed storage barn will be served via the existing site access and confirms that no objections would be raised on this basis. The Highways Engineer has requested the building should be used for agricultural purposes only, a condition can be added to this effect.
93. Overall, whilst the objection from the neighbouring resident is acknowledged, the proposals are not considered to adversely affect highway or pedestrian safety to such an extent to warrant the refusal of the application on the grounds of highway safety in the context of the Paragraph 115 of the NPPF. The proposals are considered to accord with Policies 10 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

#### Landscape and Visual Impact

94. CDP Policy 10 states that General Design Principles for all Development in the Countryside New development in the countryside must accord with all other relevant development plan policies and by virtue of their siting, scale, design and operation must not:
  - l. give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for;
  - o. impact adversely upon the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for.
95. CDP Policy 29 relating to sustainable design states that all proposals will be required to achieve well designed buildings and places having regard to

supplementary planning documents and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; and create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.

96. In addition, CDP Policy 38 seeks to conserve and enhance the North Pennines National Landscape (formerly AONB), whilst CDP Policy 39 states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.
97. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site.
98. The Levelling-up and Regeneration Act (2023) amended section 85 of the Countryside and Rights of Way Act 2000 (CRoW), to create a new duty on 'relevant authorities' to seek to further the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty (now known as National Landscapes).
99. An objection has been received regarding further development advising that the existing pallet yard is out of character with the surrounding area, landscape, countryside and adversely impacts upon the AONB (now National Landscape).
100. A number of letters in support of the application have been received advising that the existing operational site is well screened, and the proposed building will blend in with the North Pennines National Landscapes, and in due course will be screened by landscape planting.
101. As outlined, the site is within the North Pennines National Landscape. The proposal lies adjacent to a number of PROWs and will be seen in near and wider views from a plethora of these PROWs (to the north, west and southwest) and would be a prominent feature in views including Healeyfield Lane (C16) due to its elevated position on the dale side.
102. The Council's Landscape Officer originally provided comments to the proposal and raised concerns regarding the proposed material choice advising that uniform materials would increase the perceived mass of the building and that the structure appears inappropriately industrial being entirely clad in profile sheet (no lower plinth wall) and roller shutter doors which is inappropriate in landscapes such as the AONB.
103. Following these comments the applicants amended the proposed drawings, now showing a mixture of materials of contrasting texture, introduction of a

lower plinth to be clad in random natural stone which is considered acceptable subject to the consideration of the roofing material as detailed below.

104. Whilst the colour of roof cladding has not been stated; the Landscape Officer advises that this should be a dark visually recessive colour such as Anthracite would be appropriate and can be conditioned should the proposal be deemed acceptable. Furthermore, submitted information suggests that the southwest door is to be 'sheeted' on sliders, but this also has not been shown on the elevation drawing, therefore door details would need to be secured via an appropriate condition should the Planning Committee be minded to recommend the application for approval.
105. However, notwithstanding the above, the Landscape Officer advises that the farming landscape, particularly on the dales side, is characterised by traditional arrangements of farm buildings clustered around farmhouses, respecting the contours of the land. To this regard, the proposal would be outside the curtilage of the cluster of buildings associated with the pallet business to the southeast and visually separated from existing buildings by the existing trees/shelterbelt that screens the pallet business. Due to topography, there is a significant crossfall across the site with up to ~ 1.4m difference in the height of the building along its length/width which will also increase the perceived height of the building in views from public vantage points from the north and west including Healeyfield Lane (C16) and public rights of way.
106. In addition, the Landscape Officer advises that whilst the proposed hedgerow/landscape planting would eventually reduce the adverse effects of the proposed development on the landscape and on visual amenity to a degree, this would take a significant time to become effective (likely upwards of 7-10 years) given the current open character and topography, which in the intervening period, the development would be conspicuous and harmful in public views.
107. Furthermore, it is noted that part of the proposed mitigation planting would be in the middle of the field, which would cause it to stand out as an alien arbitrary feature, which would neither integrate with the existing woodlands or hedgerows.
108. The Landscape Officer has confirmed that the landscape plan submitted lacks the required detail including planting numbers, sizes and types of stock, planting densities, protection, or establishment maintenance regimes. If the Planning Committee are minded to approve the application, an amended landscaping plan can be appropriately secured via a planning condition.
109. Having reviewed the comments of the Council's Landscape Officer, the submitted information and undertaken a site visit to view the site, the proposed building is considered to represent a prominent, conspicuous and relatively isolated feature of a significant scale, that would not conserve or enhance the special qualities of the NPNL (formally AONB). In addition, the proposed landscape mitigation in this instance is not deemed sufficient enough to

outweigh the harm resulting in harm to the special qualities of the NPNL (formally AONB).

110. As such, it is considered that the siting of the proposal would result in a built incursion into the open landscape which would result in adverse harm to the special landscape qualities of the NPNL in this location. As such, the proposal is considered to conflict with Policies 10, 29, 38 and 39 of the County Durham Plan and Parts 12 and 15 of the NPPF.

#### Impact on Trees

111. With regard to the impact of the building upon trees within and adjacent to the proposed site, the Council's Arboricultural Officer requested an Arboricultural Method Statement (MS), Impact Assessment (AIA) and Tree Protection Plan (TPP) showing the root protection area (RPA) of all trees located within and adjacent to the proposed site. Additional information was received on behalf of the agent, and the Arboricultural Officer was consulted and advised that the Arboricultural Report provided shows no trees will need to be removed to facilitate the development. Providing the protective fencing is in place as shown within the AIA, AMS & TPP prior to construction there should be no adverse effects to existing trees.
112. Nevertheless, the Arboricultural Officer advises that sufficient detail must be provided at the application stage in a Landscape Masterplan or Landscape Strategy to demonstrate that the overall character of landscaping is appropriate and that the level of tree planting proposed meets the requirement of CDP Policy 40, they have advised that the landscaping plan that has been submitted shows new tree and hedge planting to be undertaken following construction however, to comply with DCC Trees, Woodlands and Hedges Supplementary Planning Document (SPD) details of soft landscaping including planting species, sizes, layout, densities, numbers must be considered. Should the Planning Committee be minded to approve the application this detail would need to be conditioned.
113. Subject to the implementation of an appropriate condition to require the submission of a detailed landscaping plan, the application is considered to comply Policy 40 of the CDP and the Trees, Hedges and Woodland SPD (2024).

#### Drainage and Flood Risk

114. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 173 of the NPPF advises that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 175 of the NPPF goes on to advise that major developments should incorporate sustainable

drainage systems unless there is clear evidence that this would be inappropriate.

115. CDP Policies 35 and 36 relate to flood water management and infrastructure.
116. CDP Policy 35 (Water Management) requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. CDP Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
117. The proposal is located within Flood Zone 1 and is therefore at low risk of flooding. The proposal is also not located within any high risk surface flooding areas; the submitted information shows that any surface water will be disposed of via a soakaway. In relation to foul water, the application form advises that the discharge of foul sewage is unknown, as such a condition can be added to establish this.
118. Overall, taking into account the above, subject to the inclusion of a condition, the application is considered in accordance with CDP Policies 35 and 36 and Part 14 of the National Planning Policy Framework.

## Ecology and Biodiversity Net Gain

### *Impact on Protected Species and their Habitats*

119. Part 15 of the NPPF seeks to ensure that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. CDP Policy 41 seeks to resist proposals for new development which would otherwise result in significant harm to biodiversity or geodiversity, which cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks.
120. There are no ecological designations within the site, with the closest being Derwent Gorge and Horsleyhope (362m to the north west) and Muggleswick, Stanhope and Edmundbyers Commons and Blanchland Moor (1000m to the south west).
121. In addition, criterion c) of CDP Policy 6 is not permissible towards the development of unallocated sites where it would result in the loss of open land that has ecological value which cannot be adequately mitigate or compensated for.

122. An objection has been received which raises issues relating to threat to ecology, disruption of natural habitats and birds and wildlife, noting that there are bats that roost in the trees and noting the presence of bodies of water on both properties and the common land with frogs, newts and toads living in these.
123. The application is supported by a Preliminary Ecological Impact Assessment (EclA) commissioned in 2024 and a Biodiversity Net Gain Statement.
124. This has been reviewed by the Council's Ecologist who has indicated their satisfaction with the submitted details, advising that the PEA is sufficient to support the application and no further survey work is considered necessary. Nevertheless, a condition is recommended to secure adherence to the method statement within the PEA.
125. As such, should member be minded to approve the application and subject to relevant conditions, the proposed development would not adversely affect any protected species or their habitats, according with CDP Policy 43 and Part 15 of the NPPF

#### *Biodiversity Net Gain*

126. From the 2<sup>nd</sup> of April 2024, the requirements of Schedule 14 of the Environment Act 2021, as inserted into Schedule 7A of the Town and Country Planning Act 1990, apply to all planning applications unless falling under one of the listed exemptions.
127. Notwithstanding the above, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks, and NPPF Paragraph 180 d) advises that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. NPPF Paragraph 186 d) also advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
128. The application is supported by a Biodiversity Net Gain Statement Assessment, a completed version of DEFRA's Biodiversity Metric and a Draft Habitat Management and Monitoring Plan.
129. On interrogation of the submitted information, it became apparent that the proposed mitigation scheme had not taken into account features that would directly impact the ability to achieve the required 10% net gain, and despite requested for updated documentation this has not been received. The applicant did seek to resolve this matter through stating that the applicant would obtain statutory credits or biodiversity units, however, shortly before publication of the committee report, the applicants confirmed they would not now be obtaining the credits or units.
130. The developer has a legal obligation to provide a minimum 10% biodiversity net gain and are required to evidence that this is achievable. However, given that



the applicant has failed to evidence that a suitable mitigation scheme can achieve the 10%, and has reneged on their commitment to obtain credits or units; the LPA cannot be satisfied that the development can achieve its legal requirements..

131. Therefore, the applicant had failed to demonstrate how the biodiversity gain hierarchy has been considered and failed to demonstrate that the offsite mitigation habitat can achieve the mandatory 10% biodiversity net gain, contrary to schedule 7A of the Town and Country Planning Act 1990 and Schedule 14 of the Environment Act 2021 and Part 15 of the NPPF.

#### Other Issues Raised

132. Comments have been raised in relation to crime, the applicant advises that as rural crime is increasing, they wish for their agricultural machinery to be secure and stores out of site in a locked building. A comment of support has also been made in relation to crime advising that everywhere including rural areas need to be secured under lock and key and out of site.
133. Crime, and fear of crime are material planning considerations with Paragraph 92(b) of the NPPF stating that planning decision should aim to ensure that developments provide healthy, inclusive, and safe places that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Whilst these concerns are noted, the courts have held that fear of crime is only a material consideration where the use, by its nature, would provide a reasonable basis for concern. Overall, it is not considered that there would be any material increase in crime if the proposed development was not acceptable as there is an existing building on site in which the agricultural machinery could be stored in, and with it the fear of crime, and as such these matters should be afforded limited weight in the determination of the application. It is therefore considered that the proposal meets the test of Paragraph 92 of the NPPF and CDP Policy 29(m).
134. A number of comments have been received in relation to the current business at 2 Greenside, advising that it is always tidy, and would prefer for the machinery to be stored away rather than the machinery to be stored on site in full view. The above has been noted, however it does not form a material planning consideration.
135. An objection was raised in relation to a potential conflict of interest involving the neighbours and Horsleyhope Mill, advising they are the parents of the agent dealing with the application who to the best of their knowledge are also members of the Muggleswick Parish Council. The agent responded and confirmed that he is the son of the owners of Horsleyhope Mill and goes onto state that in relation to Members of Muggleswick Parish Council, parishioners will also be members of the Parish Council as it is a requirement of the Parish Council charter.

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## **CONCLUSION**

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136. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
137. Having fully considered the material planning considerations in relation to this development and for the reasons set out above, it is considered that , subject to the suggested conditions, the development is not considered to result in a detrimental impact on amenity, highway safety or ecological issues in accordance with the provisions of Policies 21, 31, and 43 of the County Durham Plan and Parts 9, 12 and 15 of the National Planning Policy Framework.
138. Nevertheless, the application is not considered to comply with Policy 10 as it is considered that there is insufficient evidence that a genuine agricultural business is operating from the site nor is there sufficient justification to support a new, large agricultural building within this sensitive countryside location; given the limited size of the landholding.
139. Furthermore, with reference to landscape harm, despite the proposed mitigation, on balance, it is considered that proposed mitigation measures are not considered sufficient to enhance the area nor mitigate against the harm to the special landscape qualities of the North Pennines National Landscape (NPNL). As a result, it is considered that the siting of the proposal would result in a built incursion into the open landscape which would have an unacceptably adverse impact on the visual amenities and landscape character of the NPNL and would fail to conserve or enhance this valued landscape.
140. Finally, the applicant had failed to demonstrate how the biodiversity gain hierarchy has been considered and failed to demonstrate that the offsite mitigation habitat can achieve the mandatory 10% biodiversity net gain, contrary to Schedule 7A of the Town and Country Planning Act 1990 and Schedule 14 of the Environment Act 2021 and Part 15 of the NPPF.
141. The proposal is therefore considered to conflict with Policies 10, 29, 38 and 39 of the County Durham Plan, Parts 12 and 15 of the National Planning Policy Framework and Schedule 7A of the Town and Country Planning Act 1990 and Schedule 14 of the Environment Act 2021. Accordingly, the application is recommended for refusal.

#### Public Sector Equality Duty

142. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.

143. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## **RECOMMENDATION**

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That the application be **REFUSED** for the following reasons:

1. In the opinion of the Local Planning Authority, there is insufficient justification to support a new, large agricultural building within this sensitive countryside location. Given the limited size of the landholding and lack of evidence of a genuine agricultural business operating at the site, the Local Planning Authority considers that the application has not adequately demonstrated that there is a clear need for a building of this size within this location and that it is required for the effective functioning of the enterprise. The proposal is therefore contrary to Policies 10 and 29 of the County Durham Plan and Parts 6 and 15 of the NPPF.
2. The development by reason of its massing and siting would appear visually prominent, particularly due to its separation from existing built form, resulting in adverse harm to the special landscape qualities of the North Pennines National Landscape (NPNL) in this location. The proposed development is therefore contrary to Policies 10, 29 38 and 39 of the County Durham Plan and Parts 12 and 15 of the NPPF.
3. The applicant has failed to demonstrate how the Biodiversity Gain Hierarchy has been considered in the design of the development and the offsite post development habitat are considered to be insufficient. Therefore, the local planning authority cannot be satisfied that the biodiversity gain objective has been met or that the statutory biodiversity gain condition is capable of being discharged in accordance with the requirements of Schedule 7A of the Town and Country Planning Act 1990 and Schedule 14 of the Environment Act 2021

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

National Planning Practice Guidance Notes

County Durham Plan (2020)

- o Trees, Woodlands and Hedges SPD (2024)

- o Residential Amenity Standards SPD (2023)

- o Parking and Accessibility SPD (2023)

- o Habitat Regulations Assessment: Developer Guidance and Requirements in County Durham (2019)

Statutory consultation responses

Internal consultation responses

External consultation responses



<p><b>Planning Services</b></p>	<p>Construction of a steel portal framed agricultural building. Land to the west of 2 Greenside Horsleyhope Consett DH8 9DA</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2024</p>	<p><b>Comments</b></p>	
	<p><b>Date: 3rd of December 2024</b></p>	